

South Mountain Freeway (Loop 202)

Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway)

Final Environmental Impact Statement and Section 4(f) Evaluation

Volume II: Appendices, Chapters 1, 2, 3, 4, 5, and 6

Submitted pursuant to
42 U.S.C. § 4332(2)(c), 49 U.S.C. § 303, and 33 U.S.C. § 1251
by the

Federal Highway Administration
and
Arizona Department of Transportation

in cooperation with the
U.S. Army Corps of Engineers
U.S. Bureau of Indian Affairs
Western Area Power Administration



September 2014

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APPENDIX 1-1

AGENCY LETTERS AND COMMUNICATIONS

Appendix 1-1, *Agency Letters and Communications*, contains a record of communications to and from representatives of federal, state, tribal, and local agencies. An initial contact list used for the purposes of agency scoping is included along with copies of agency letters and responses (when appropriate) received during the preparation of the DEIS and prior to the issuance of the DEIS. Letters and responses are grouped by federal, state, tribal, and local agency, followed by consultant inquiries and responses, and then organized in chronological order.

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Dear Mr. Johnson:

Your memorandum of May 31, 2000 provided a draft memorandum for the subject *“Recommendations to Undertake an Environmental Impact Statement and Protect Right-of-way for the South Mountain Parkway”* with a request for comments on the draft memorandum. We offer the following comments:

- 1) Your memorandum starts out indicating that this is the MAG South Mountain Parkway Stakeholders Group. Other places in the draft memorandum it is referred to as the South Mountain Agency Stakeholders Group. Which group is it? Also, is parkway the appropriate terminology, at this time, for this facility?
- 2) In the draft memorandum, page 1-1st ¶ (and again on page 3, 2nd bullet) indicates right-of-way for this facility needs to be protected. We suggest that this item be expanded upon to explain that any right-of-way purchase is at risk from the perspective that the environmental approval (which includes location approval) cannot be made based on, or influenced by, any acquired right-of-way.
- 3) On page 2, top of page, it defines 243 acres have been acquired and 110-feet of right-of-way has been dedicated. It would help to define the general locations of these acquisitions/protected areas. Also the last sentence indicates “homes are now located along the edge of this planned facility.” Is this referring to homes along the 110-foot dedicated ROW? Further definition to this statement is needed.
- 4) Page 2, the first set of bullets under the ENVIRONMENTAL IMPACT STATEMENT identifies some reasons for doing an EIS. Other reasons discussed at the meeting included the expanded mobility from the west valley to the east valley; review of alternatives such as the possibility of avoiding, or minimizing impact, to the foothills development, and the location of other connections to the Papago Freeway; and an opportunity for a truck bypass of downtown.

2

5) Page 2, last line, again identifies this facility as a parkway. Is this the appropriate terminology?

We suggest a time frame for an EIS/DCR be discussed in this memorandum.

Sincerely,

William P. Vachon

William P. Vachon
Area Engineer

cc:

K. Davis
B. Vachon
B. Hayden (ADOT 107A)



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
February 8, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D-(ADY)
South Mountain Corridor

Governor Donald R. Antone, Sr.
Gila River Indian Community
PO Box 97
Sacaton, AZ 85247

RE :Development of Alternative Alignments for a South Mountain Transportation Corridor on Gila River Indian Community Lands

Dear Governor Antone:

On behalf of the Federal Highway Administration and the Arizona Department of Transportation, I would like to express my sincere thanks to you for allowing us to partner with members of your staff as we undertake the Environmental Impact Statement (EIS) and Design Concept Report for the South Mountain Transportation Corridor Study. Our monthly meetings have proven to be extremely helpful in understanding and resolving mutual concerns and identifying the best approaches to each step of the study.

Having completed the EIS "scoping" phase and establishing a preliminary need for some type of transportation improvement in the South Mountain corridor, we are currently embarking on the alternatives identification stage of the study. I am writing to request your assistance in this effort.

We understand that several transportation and roadway proposals over the past decade have affected the Gila River Community, and you may have identified some alignments that may be preferable to the Community. We ask that you provide us with several alternative routes that we may include in the South Mountain Transportation Corridor Study for detailed environmental and socioeconomic evaluation through the remainder of the EIS process.

Through our monthly coordination meetings, we have learned that the Gila Borderlands Task Force has been engaged in developing and evaluating possible roadway corridors, and it may be appropriate for our study team to work through them in establishing which alternatives the Tribe would like to include in the EIS studies.

In order to satisfy our procedural requirements under the National Environmental Policy Act, we will need to have confirmation from the Tribal Council of the alternatives that you direct us to

study. As required by law, this documentation will be used to describe the alternatives selection process that was undertaken for the EIS.

Again, thank you for your continued participation in this study process. We are confident that it will result in acceptable solutions for both the Gila River Indian Community and the Phoenix metropolitan region.

Sincerely,

/s/ K. H. Davis

/s/ Robert E. Hollis
Division Administrator

cc:
Lieutenant Governor Richard Narcia, Gila River Indian Community, PO Box 97, Sacaton, AZ 85247
Sandra Shade 315 W. Casa Blanca Rd, PO Box 97, Sacaton, AZ 85247
Larry Stephenson (same as Shade)
Victor Mendez, ADOT 100A
Dan Lance, ADOT E700
Mary Viparina, ADOT 614E
Steve Thomas, FHWA
Dave Anderson, HDR Engineers Inc., 2171E. Highland AVE, Suite 250, Phx 85016-6606

WPVachon:vdk *ov*

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
April 5, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D (ADY)
(540.1)
SR 202L; South Mountain Freeway
Maricopa County, Arizona
FHWA-AZ-EIS-01-01-D

Office Of The Federal Register (NF)
National Archives and Records Administration
700 Pennsylvania Ave NW
Washington, D.C. 20408-0001

Gentlemen:

Enclosed you will find three (3) signed originals of the notice of intent for the proposed improvements to State Route 202L; South Mountain Freeway in Maricopa County, Arizona.

Please publish the required notice of intent in the Federal Register. We are expecting the notice to appear in the Register of April 20, 2001.

For further information please contact Stephen D. Thomas, Environmental Program Manager, at (602) 379-3918.

Sincerely,

Robert E. Hollis

Robert E. Hollis
Division Administrator

Enclosure

Cc: Ralph Ellis, Arizona Department of Transportation (619E)

SDThomas:sg

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT; MARICOPA COUNTY, ARIZONA

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR INFORMATION CONTACT: Kenneth H. Davis, District Engineer, Federal Highway Administration, 234 North Central Avenue, Suite 330, Phoenix, AZ 85004, telephone (602) 379-3646.

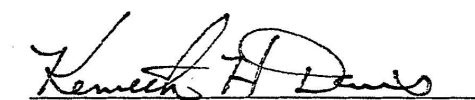
SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered

should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on



Kenneth H. Davis, District Engineer
Phoenix



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
September 7, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Ms. Lisa Hanf
Manager
Office of Federal Accounting
Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Hanf:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

Your agency has jurisdiction in this area because the proposed project is located in a non-attainment area for carbon monoxide, particulates, and ozone. As a result, we are requesting the Environmental Protection Agency to be a cooperating agency. Your agency's involvement will be to participate and finally concur in the evaluation of the air quality issues associated with the proposed freeway, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information

An agency scooping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intent to utilize the EIS and subsequent Record of Decision as a basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS
Robert E. Hollis
Division Administrator

Enclosures

cc: Thomas, Vachon, Davis
R. Ellis (619E)
J. Allen (HDR), S. Martin (HDR)
Katiann Wong-Murillo (Western Resource Center)
Nova Blazej (EPA-SF), Sandra Shade (GRIC)

facilities they used and the services they received. The information collected will be used to evaluate current maintenance, facility, and service practices and policies and to identify new opportunities for improvements.

Jacklyn J. Stephenson,
Senior Manager, Enterprise Operations
Information Services.
[FR Doc. 01-9817 Filed 4-19-01; 8:45 am]
BILLING CODE 8120-08-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration
Environmental Impact Statement;
Maricopa County, Arizona

AGENCY: Federal Highway
Administration (FHWA), DOT.
ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR FURTHER INFORMATION CONTACT:
Kenneth H. Davis, District Engineer,
Federal Highway Administration, 234
North Central Avenue, Suite 330,
Phoenix, AZ 85004, telephone (602)
379-3646.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I-10 west of Phoenix to I-10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered including (1) taking no action; (2) using alternate travel modes; (3) limited access parkway; (4) major urban arterial with transportation system management improvements; and (5) a freeway.

A Final State Environmental Assessment was completed for the South Mountain Corridor. At that time,

a recommended alternative was selected and an accompanying Design Concept Report was completed in September 1988. Due to the elapsed time and changed conditions that have occurred since completion of these documents, new studies are required.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies including the Environmental Protection Agency, U.S. Army Corps of Engineers, Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, Arizona State Land Department, Arizona Game & Fish Department, City of Phoenix, Town of Laveen, City of Avondale, and the Gila River Indian Tribe. Letters will also be sent to interested parties including, the Ahwatukee Foothills Village Planning Committee, Laveen Village Planning Committee and Estrella Village Planning Committee.

A series of public meetings will be held in the communities within the proposed study area. In addition, a public hearing will be held. Public notice will be given advising of the time and place of the meetings and hearing. A formal scoping meeting is planned between Federal, State, city and Tribal stakeholders.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Kenneth H. Davis,
District Engineer, Phoenix.
[FR Doc. 01-9782 Filed 4-19-01; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety
Administration

[Docket No. FMCSA-97-2341]

Parts and Accessories Necessary for
Safe Operation; Manufactured Home
Tires

AGENCY: Federal Motor Carrier Safety
Administration (FMCSA), DOT.

ACTION: Notice of intent to deny petitions for rulemaking; request for comments.

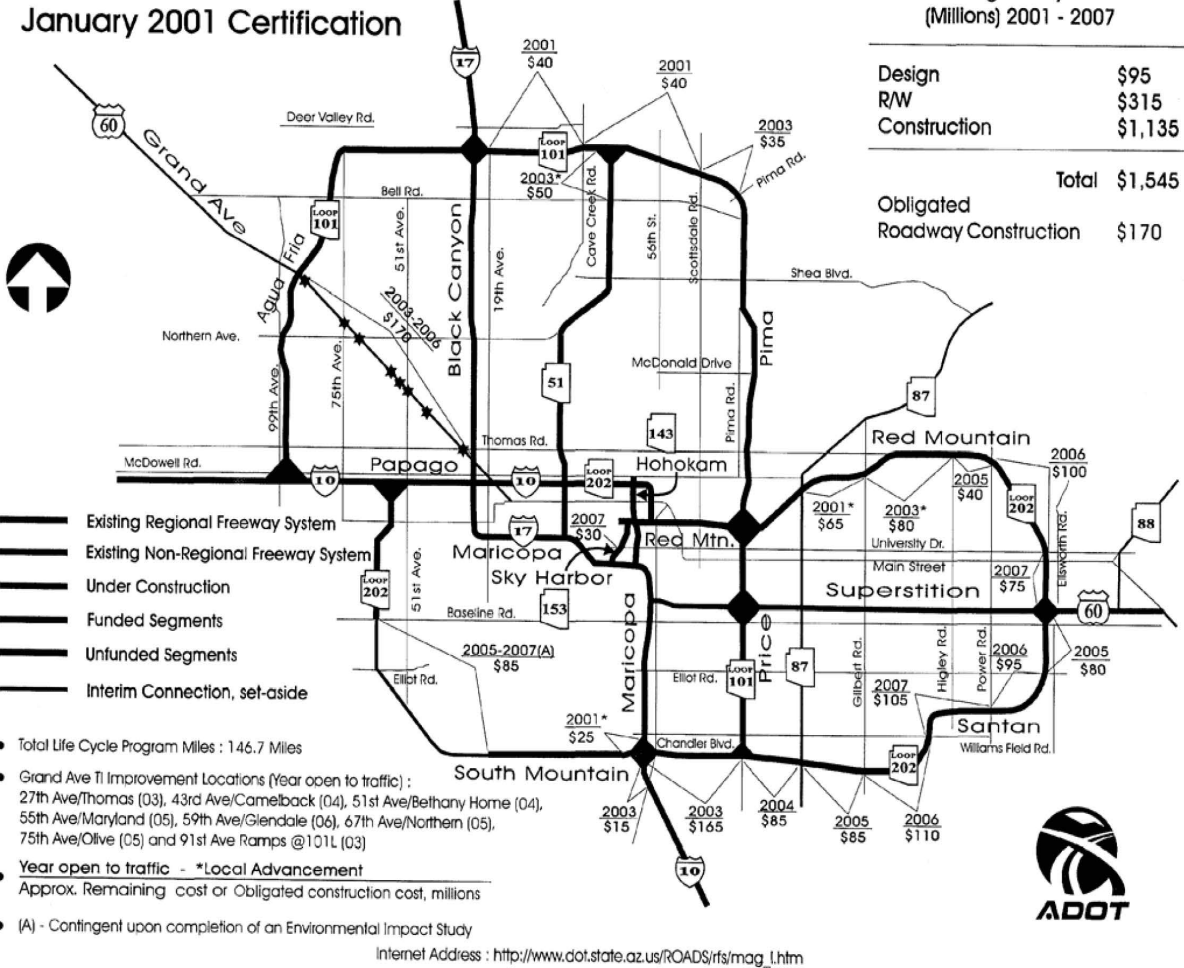
SUMMARY: The FMCSA announces its intent to deny petitions for rulemaking from the Manufactured Housing Institute (MHI) and Multinational Legal Services, PLLC (Multinational) concerning overloading of tires used for the transportation of manufactured homes. Currently, these tires may be loaded up to 18 percent over the load rating marked on the sidewall of the tires, or in the absence of such a marking, 18 percent above the load rating specified in publications of certain organizations specializing in tires. The termination date of the rule allowing 18-percent overloading of these tires was originally set for November 20, 2000, but was delayed until December 31, 2001, to provide the agency time to complete its review of the MHI's petition to allow 18 percent overloading on a permanent basis. The agency has now completed its review of the MHI's data and believes that there should be no further delay in the termination date. The agency has also completed its analysis of Multinational's petition to rescind the final rule which delayed the termination date until December 31, 2001, and determined on a preliminary basis that the petition should be denied. Denial of both petitions would result in transporters of manufactured homes being prohibited from operating such units on overloaded tires on or after January 1, 2002.

DATES: We must receive your comments by May 21, 2001. We will consider comments received after the comment closing date to the extent practicable.

ADDRESSES: You can mail, fax, hand deliver or electronically submit written comments to the U.S. Department of Transportation, Docket Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001, FAX (202) 493-2251, on-line at <http://dmses.dot.gov/submit>. You must include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC-PSV, (202) 368-4009, Federal Motor Carrier Safety Administration, 400 Seventh

Regional Freeway System
January 2001 Certification





U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
September 7, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Mr. Davis F. Perusa
Superintendent
Pima Agency
P.O. Box 8
Sacaton, AZ 85247

Dear Mr. Perusa:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

FHWA recognizes that your agency will represent the interests of the Gila River Indian Community and respectfully request that the Pima Agency be a cooperating agency for this project. Your agency's involvement will be to participate and finally concur in the evaluation of the issues relative to your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

An agency scooping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, cultural and environmental consequences, and mitigation. In addition, we intent to utilize the EIS and subsequent Record of Decision as a basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS
Robert E. Hollis
Division Administrator

Enclosure

cc: Thomas, Vachon, Davis,
R. Ellis (619E),
J. Allen (HDR), S. Martin (HDR),
Katiann Wong-Murillo (Western Resource Center),
Nova Blazej (EPA-SF), Sandra Shade (GRIC)



U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 ARIZONA DIVISION
 234 N. Central Avenue, Suite 330
 Phoenix, AZ. 85004
 September 7, 2001

IN REPLY REFER TO
 HA-AZ
 NH-202-D(ADY)
 SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
 South Mountain Freeway Environmental Impact Statement
 Request to Serve as a Cooperating Agency

Ms. Cindy Lester
 Arizona Section Chief
 U.S. Army Corps of Engineers
 3636 North Central Avenue, Suite 760
 Phoenix, AZ 85012

Dear Ms. Lester:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

Proposed alternatives for this project will likely involve the Corps' jurisdiction pursuant to Section 404 of the Clean Water Act. As a result, we are requesting the U.S. Army Corps of Engineers to be a cooperating agency for the project. Your agency's involvement will be to participate and finally concur in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

An agency scooping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intend to utilize the EIS and subsequent Record of Decision as the basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
 Division Administrator

Enclosures

cc: Thomas, Vachon, Davis
 R. Ellis (619E)
 J. Allen (HDR), S. Martin (HDR)
 Katiann Wong-Murillo (Western Resource Center)
 Nova Blazej (EPA-SF), Sandra Shade (GRIC)



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Avenue, Suite 330
Phoenix, AZ. 85004
September 7, 2001

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
SR-202L; I-10 s/o Phoenix to I-10 w/o Phoenix
South Mountain Freeway Environmental Impact Statement
Request to Serve as a Cooperating Agency

Mr. David Harlow
Field Supervisor
United States Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85012

Dear Mr. Harlow:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT), as joint lead agencies, have initiated an Environmental Impact Statement (EIS) regarding the proposed South Mountain Corridor Project located between I-10 south of Phoenix and I-10 west of Phoenix, in Maricopa County, Arizona. The EIS will identify and evaluate a full range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the human and natural environment. The South Mountain Corridor Project is an integral element of the Maricopa Association of Governments' Regional Freeway System (map enclosed), and is also part of the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register on April 20, 2001 (copy enclosed).

We are requesting that the U.S. Fish and Wildlife Service be a cooperating agency for the project. Your agency's involvement will be to participate and finally concur in the evaluation of the issues under your jurisdiction, and will not involve direct analysis or writing during EIS preparation. To assist our interagency cooperation, we will invite you to coordination meetings, consult with you on any relevant technical studies, and provide project information.

An agency scooping/partnering workshop has been set up for October 30 - 31, 2001. This workshop will include a field review to familiarize your staff with the project area, as well as, an opportunity to express any issues or concerns that your agency may have relative to the proposed project. You will receive more information on the workshop in the near future.

We believe the EIS process will satisfy NEPA requirements, including those related to alternatives, environmental consequences, and mitigation. In addition, we intend to utilize the EIS and subsequent Record of Decision as the basis for any necessary permit applications.

Please notify this office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on the essential project. If you have any questions, please contact Mr. Kenneth Davis, District Engineer at 602-379-3914, or Mr. Stephen Thomas, Environmental Coordinator, at 602-379-3918.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosures

cc: Thomas, Vachon, Davis
R. Ellis (619E)
J. Allen (HDR), S. Martin (HDR)
Katiann Wong-Murillo (Western Resource Center)
Nova Blazej (EPA-SF), Sandra Shade (GRIC)



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
 705 North Plaza Street, Suite 220
 Carson City, Nevada 89701

February 5, 2002

Subject: Supplemental EIS for US-95 in Las Vegas

Ms. Joanne Spalding
 Staff Attorney
 Sierra Club
 85 Second Street, Second Floor
 San Francisco, CA 94105-3441

Dear Ms. Spalding:

I am responding to your letter dated January 7, 2002, requesting a Supplemental Environmental Impact Statement (Supplemental EIS) for the US-95 project in northwest Las Vegas. We have reviewed your letter and the attached reports in light of our July 17, 2000, letter to Mr. Patrick Gallagher on the previous Sierra Club request. Because of the complexities of these issues, we have consulted with our headquarters' Office of Natural Environment and Office of National Environmental Policy Act (NEPA) Facilitation, as well as our Western Resource Center.

FHWA recognizes the uncertainties in dealing with emerging issues such as the impacts of air toxics and PM_{2.5}. Our headquarters' Office of Natural Environment is in the process of conducting research in the area of mobile source air toxics and particulate matter. They are looking at short-term and long-term research strategies to address the high level of uncertainty in the current research. However, that research will take from several months to several years to complete. In addition, the U.S. Environmental Protection Agency (EPA) has described in their final rule on mobile source air toxics (MSATs)¹ a Technical Analysis Plan through which they will continue to improve understanding of the risk posed by air toxics to public health and welfare. It will also allow them to evaluate the need for and appropriateness of additional mobile source air toxics controls for on-highway and non-road sources and their fuels. Based on the information developed through that technical analysis plan, they will conduct a future rulemaking to be completed no later than July 1, 2004.

I would like to clarify the US-95 project that we approved in the Record of Decision. The US-95 project includes the following improvements: (1) the widening of US-95 and Summerlin Parkway, the construction of high occupancy vehicle lanes, and the installation of a freeway management system; (2) new arterial street connections; (3) arterial street improvements; (4)

¹ "Control of Emissions of Hazardous Air Pollutants From Mobile Sources," *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

REFER TO:
 HDA-NV
 SP-000M(44)

2

transit system improvements, including enhanced CAT bus service and new park-and-ride lots; and (5) transportation demand management measures that expand the rideshare program. This is an important point because your letter and the enclosed technical studies do not accurately describe or characterize the US-95 project approved by FHWA in the Record of Decision and do not account for many of the benefits associated with this project. Our review of the issues raised in your letter was done in the context of the total US-95 project and not just the widening portion.

As I mentioned in my July 17 letter, we did review the research available related to air toxics, including the "Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES-II)"² and "Distance Weighted Traffic Density in Proximity to a Home is a Risk Factor for Leukemia and Other Childhood Cancers". We also reviewed EPA's final rule on "Control of Emissions of Hazardous Air Pollutants From Mobile Sources"³, an EPA Fact Sheet - National Air Toxics Program: Integrated Urban Strategy⁴, and Examples of Changes and Additions to the Final Urban Air Toxics Strategy⁵. We have also reviewed the new information and technical studies that you provided to us with your January 7 letter. Based on this review, FHWA has made the following conclusions:

- (1) Although EPA has established a list of MSATs, it has not established that emissions of these compounds are health risks, nor has it established any standard or measure of what concentration of these compounds might be harmful. EPA's final rule⁶ specifically states "that inclusion on the list" of MSATs "is not itself a determination by EPA that emissions of the compound in fact present a risk to public health or welfare, or that it is appropriate to adopt controls to limit the emissions of such a compound from motor vehicles or their fuels."
- (2) Because of the complexity of assessing the health risks of any particular emissions compound, establishing a level of emissions or concentrations that constitute a health risk cannot be accomplished with one or two studies. In fact, EPA in establishing standards for ozone and particulate matter to protect human health reviewed thousands⁷ of peer-reviewed scientific studies.

² "Multiple Air Toxics Exposure Study (MATES-II)," South Coast Air Quality Management District (AQMD), March 2, 2000, <http://www.aqmd.gov/matesiidf/matestoc.htm>.

³ "Control of Emissions of Hazardous Air Pollutants From Mobile Sources," *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

⁴ "Fact Sheet-National Air Toxics Program: Integrated Urban Strategy," U.S. EPA, July 6, 1999, www.epa.gov/ttn/uatw/urban/urbanfs.html.

⁵ "Examples of Changes and Additions to the Final Urban Air Toxics Strategy," U.S. EPA, www.epa.gov/ttn/uatw/urban/change7.html.

⁶ "Control of Emissions of Hazardous Air Pollutants From Mobile Sources," *Federal Register*: March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

⁷ "EPA's Revised Ozone Standard" Fact Sheet, U.S. EPA, July 17, 1997, <http://www.epa.gov/ttn/oarpg/naaqsfm/o3fact.html>, and "EPA's Revised Particulate Matter Standards" Fact Sheet, U.S. EPA, July 17, 1997, <http://www.epa.gov/ttn/oarpg/naaqsfm/pmfact.html>.

- (3) The MATES-II study found that concentrations of 1,3 butadiene, benzene, carbon tetrachloride, methylene chloride, perchloroethylene, trichloroethylene, hexavalent chromium, lead, and nickel had been reduced significantly between 1990 and 1999, and that these reductions in toxics exposure resulted in 44 to 63 percent reductions in carcinogenic risk to residents.
- (4) Time of exposure also influences health impacts. It should be recognized that the MATES-II study assessed “exposures as though individuals residing in the vicinity of a source remain in this location for a lifetime of 70 years. A different set of exposure assumptions may lead to lower exposure estimates and consequently lower risk estimates.”⁸ This is important to recognize, especially in light of the fact that emissions of air toxics are predicted to be reduced substantially in the next 20 years.
- (5) In addition, it is unclear whether air toxics concentrations are of a regional nature, such as ozone, or have more localized impacts. EPA, the California Air Resources Board⁹, and the South Coast Air Quality Management District¹⁰ strategies to address mobile source air toxics have been directed to national and regional controls and programs. They have not been directed towards project-level mitigation. It is unclear the effect that individual transportation projects have in regard to air toxics.
- (6) EPA has required a number of control strategies that the research shows has reduced mobile source air toxics in the past and will reduce air toxics into the foreseeable future. In fact, according to EPA’s final rule¹¹ on MSATs, between 1990 and 2020, on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde will be reduced by 67 to 76 percent, and on-highway diesel particulate matter emissions will be reduced by 90 percent. These reductions are due to the impacts of promulgated mobile source control programs, including the reformulated gasoline (RFG) program, the national low emission vehicle (NLEV) standards, the Tier 2 motor vehicle emissions standards and gasoline sulfur control requirements, and the heavy-duty engine and vehicle standards and on-highway diesel fuel sulfur control requirements.
- (7) These air toxic reductions will be achieved even with growing vehicle miles traveled (VMT). Increased VMT in a future year does not equate with increased emissions compared to the current year. In fact, as seen above, the MATES-II study found that

⁸ “Multiple Air Toxics Exposure Study (MATES-II),” Page 3-6, South Coast Air Quality Management District (AQMD), March 2, 2000, <http://www.aqmd.gov/matesiidf/matestoc.htm>.

⁹ Toxic Air Contaminant Control Program, California Air Resources Board, November 26, 2001, <http://www.arb.ca.gov/toxics/control.htm>.

¹⁰ “Final Draft Air Toxics Control Plan for the Next Ten Years,” South Coast Air Quality Management District, March 2000, <http://www.aqmd.gov/aqmp/atcp.html>.

¹¹ “Control of Emissions of Hazardous Air Pollutants From Mobile Sources,” *Federal Register*, March 29, 2001 (Volume 66, Number 61), page 17229, <http://www.epa.gov/fedrgstr/EPA-AIR/2001/March/Day-29/a37.htm>.

carcinogenic risk had been reduced in the South Coast area, even though at the same time VMT increased¹² (from 1980 to 1999, VMT in the South Coast Air basin increased 81%).

- (8) There is currently a lack of adequate analysis techniques to estimate and evaluate on-road mobile source air toxics. There is no microscale air toxics monitoring for the Las Vegas metropolitan area. In addition, there is no microscale analysis equivalent to the MATES-II Study. The MATES-II microscale air toxics study was meant to be a “pilot study” only within the South Coast Air Basin and it contains a statement that readers should avoid possible over-interpretation of the results

FHWA does not believe that it is useful or appropriate to analyze air toxics impacts at the project level at this time. The influence of this US-95 project could not currently be estimated in any meaningful way. Were it possible to generate credible estimates of whether emissions of these compounds increase or decrease, we still would not know whether these emission levels are likely to adversely impact health. In addition, there is a lack of monitoring or analysis techniques to validate any assessment. This would not help the NEPA decisionmaker or the public understand whether exposure to some level of emissions resulting from the project is harmful. And, as can be seen above, air toxic emissions are decreasing, and are predicted to continue to be reduced. In addition, other measures included in the Record of Decision emphasize vehicle trip reduction and operational improvements that may provide a reduction in air toxics emissions.

Your letter also requested the preparation of a Supplemental EIS to address the health effects of fine particulates (PM_{2.5}). Your concerns are that these health effects are not addressed within the context of the Transportation Conformity Rule (CFR Parts 51 and 93) and NEPA.

The Transportation Conformity Rule requires that transportation plans, programs and projects conform to the purpose of the State Implementation Plan in air quality nonattainment and maintenance areas. As of yet, EPA has not designated nonattainment areas for PM_{2.5}. Section 305 of the National Highway System Designation Act of 1995¹³ specifically amended the Clean Air Act limiting the applicability of the transportation conformity provisions to nonattainment and maintenance areas. We believe that the Transportation Conformity Rule and court rulings are clear that the conformity requirements do not apply in areas that have not been designated as nonattainment areas for specific pollutants.

EPA has determined the health effects of fine particulates and has set the PM_{2.5} standard to ensure that the public health is protected. The FHWA does not have a role in terms of how health-based standards are set for pollutants. Many areas of the country are in the process of monitoring levels of PM_{2.5}, and this monitoring will serve as the basis for whether this pollutant needs to be addressed at the regional scale, local scale or both. We believe the effect of PM_{2.5} at a project level cannot be determined at this time and it may be very similar to ozone in that it is a regional effect, not a localized effect.

¹² “The 2001 California Almanac of Emissions and Air Quality,” California Air Resource Board, April 12, 2001, Chapter 4, page 115, <http://www.arb.ca.gov/aqd/almanac01/pdf/almanac2001%20all.pdf>.

¹³ National Highway System Designation Act of 1995, Public Law 104-59, November 28, 1995, <http://www.fhwa.dot.gov/legisregs/nhsdatoc.html>.